

CHAPTER NO. 354

SENATE BILL NO. 2254

By Kyle

Substituted for: House Bill No. 2267

By McMillan, John DeBerry

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 5, Part 3, relative to Community Service Agencies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-5-317, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Notwithstanding any provisions of law to the contrary, including § 8-30-309, and recognizing the years of faithful and dedicated service to the State of Tennessee by the employees of the community services agencies, community services agency employees who serve in jobs that would be classified as career service as defined in § 8-30-208, had they been employed in the state service, and whose functions and positions are transferred to either the department of children's services or the department of health by each department's respective commissioner on or before June 30, 2006, shall be transferred into the department of children's services or the department of health. Such employees shall receive the benefits and protection of career service status and shall be eligible for participation in the state health insurance plan without further examination or competition.

(b) All community service agency employees transferred to the department of children's services or the department of health pursuant to this part shall be subject to a minimum probationary period of six (6) months beginning on the first day of service with the respective department, pursuant to §§ 8-30-312 and 8-30-314, unless the transferred community service agency employee has previously served the minimum six (6) month probationary period.

(c) All such transfers shall take place no later than June 30, 2006.

(d) Transfers of employees from the community services agencies to the department of children's services or the department of health pursuant to this section shall not result in any diminution, impairment or interruption of current salary, accrued sick and annual leave, seniority, participation in the Tennessee consolidated retirement system, or amounts already accrued under a deferred compensation plan, however this shall not impair the department's authority, through establishing policies and procedures, to correct salary disparities through the promotional process.

(e) Any employee so transferred shall be eligible for promotion pursuant to the provisions of Title 8, Chapter 30 after the transfer takes effect.

(f) This section shall not apply to a county having a metropolitan form of government whose employees provide services for the community service agencies pursuant to § 37-5-304(e).

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 5, Part 3, is amended by adding the following as a new, appropriately designated section thereto:

(a) Notwithstanding any provisions of law to the contrary, including § 8-30-309, any county having a metropolitan form of government whose employees provide services for the community services agency pursuant to § 37-5-304(e) and who serve in positions funded by the department of children's services may be transferred to the department of children's services by the commissioner on or before June 30, 2006. Such employees shall receive the benefits and protection of career service status and shall be eligible for participation in the state health insurance plan without further examination or competition. Salaries of transferred employees of a county having a metropolitan form of government shall be within the appropriate salary range for state job classifications and shall be at least equal to, but not less than, the median salary of department of children's services employees in the county having a metropolitan form of government.

(b) All employees of a county having a metropolitan form of government who provide services for the community services agency pursuant to § 37-5-304(e) and who are transferred to the department of children's services pursuant to this section shall be subject to a minimum probationary period of six (6) months beginning on the first day of service with the department, pursuant to §§ 8-

30-312 and 8-30-314, unless the transferred employee has previously served the minimum six (6) month probationary period.

(c) All such transfers shall take place no later than June 30, 2006.

SECTION 3. Tennessee Code Annotated, Title 37, Chapter 5, Part 3, is amended by adding the following as a new, appropriately designated section thereto:

(a) Notwithstanding any provisions of law to the contrary, including § 8-30-309, and recognizing the years of faithful and dedicated service to the State of Tennessee by the employees of the community services agencies, community services agency employees who serve in jobs that would be classified as executive service as defined in § 8-30-208, had they been employed in the state service, and whose functions and positions are transferred to the department of children's services by the commissioner on or before June 30, 2006, shall be transferred into the department of children's services. Such employees shall be eligible for participation in the state health insurance plan without further examination or competition.

(b) All such transfers shall take place no later than June 30, 2006.

(c) Transfers of employees from the community services agencies to the department of children's services pursuant to this section shall not result in any diminution, impairment or interruption of accrued sick and annual leave, seniority, participation in the Tennessee consolidated retirement system, or amounts already accrued under a deferred compensation plan.

SECTION 4. The act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 18, 2005


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 7th day of June 2005


PHIL BREDESEN, GOVERNOR